

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DARREN GILBERT,

Plaintiff,

v.

RAMOS DIAZ ENTERPRISES, INC., ET
AL.

Defendants.

1:22-cv-01397-KJM-KJN

ORDER

Plaintiff filed a motion for default judgment against all defendants on November 17, 2023. (ECF No. 23.) The matter is set for hearing on January 9, 2024. Pursuant to Local Rule 230(c), defendants were required to file an opposition or statement of non-opposition to the motion no later than fourteen (14) days after the filing date of the motion, i.e., December 1, 2023. Although that deadline has passed, no opposition or statement of non-opposition has been filed.

Out of an abundance of caution, and in light of the court's desire to resolve the action on the merits, the court provides defendants one additional, final opportunity to oppose the motion.

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ORDER

Accordingly, IT IS HEREBY ORDERED that:

1. The January 9, 2024 hearing on plaintiff's motion for default judgment is VACATED. The court takes this matter under submission on the papers without oral argument, pursuant to Local Rule 230(g). The court will reschedule a hearing at a future date, if necessary;
2. Any opposition by defendants shall be filed no later than December 20, 2023, and the reply brief(s) from plaintiff, if any, are due December 27, 2023;
3. Defendants are cautioned that failure to respond to the motion in compliance with this order will be deemed as consent to a summary grant of the motion, and may result in the imposition of a default judgment against them; and
4. Plaintiff shall promptly serve a copy of this order on defendants at their last-known addresses, and file proofs of service.

Dated: December 7, 2023

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE